

**ENVIRONMENTAL PERFORMANCE PARTNERSHIP AGREEMENT**  
**between**  
**THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**and**  
**REGION IV OF THE U. S. ENVIRONMENTAL PROTECTION AGENCY**

The Florida Environmental Performance Partnership Agreement represents a new evolving approach to the federal/state relationship in our joint effort to protect and enhance our natural environment. This approach was memorialized in an agreement between the Administrator and the Deputy Administrator of the Environmental Protection Agency (EPA) and the President and Vice President of the Environmental Council of States (ECOS). That document outlined a process for differential oversight entitled the National Environmental Performance Partnership System (NEPPS).

This agreement between the Florida Department of Environmental Protection (DEP) and Region IV of the Environmental Protection Agency (EPA), while drawing heavily on the NEPPS concept, addresses what the signatories to the agreement believe is a more fundamental and comprehensive issue than that of oversight reform. This agreement is an explicit attempt by its parties to find new measures and redefine the relationship between DEP and EPA to foster a broader sense of partnership and fully complement agencies' use of tools to solve environmental problems. Particular attention is paid to compliance and enforcement activities because management at DEP and EPA see this as an area where improved communication and accomplishment measurement can produce a strong focus on environmental results. At the same time, both parties seek to apply the lessons learned in order that groundwork may be laid for enhanced cooperation in other areas as well.

To this end, through the implementation of this agreement, DEP and EPA have set up mechanisms to improve our ability to jointly target priority environmental problems and identify activities that can be reduced or eliminated. This agreement contains six sections as follows:

- I. Statement of general principles.
- II. Management infrastructure to sustain commitments.
- III. Management reporting requirements relative to compliance and enforcement.

- IV. Developing the basis for measuring performance in the compliance and enforcement area to include:
- a. environmental results;
  - b. compliance levels achieved; and
  - c. enforcement actions and other compliance activities.
- V. Specific projects jointly agreed to and project selection criteria.
- VI. Identification of nonproductive enterprises and areas where additional work should be focused.

In keeping with the spirit of NEPPS, this agreement recognizes DEP's extensive process of self assessment called the Sterling Challenge. The Sterling Challenge is the precursor to the Governor's Sterling Award evaluation process, an award bestowed annually to Florida organizations that excel in the principles of leadership, employee involvement, customer satisfaction, and continuous improvement. A comprehensive document entitled *Department of Environmental Protection Total Quality Leadership* is available for reference.

I. Principles of Agreement

This agreement represents continued evolution in the roles of both the federal and state partners. The maturity of DEP programs, the growing respect by DEP of EPA's desire for appropriate change, and our growing history of partnership activities have set the stage for this agreement. EPA and DEP realize that we cannot accomplish better environmental protection alone. We recognize that we need each other, as well as the regulated community and the public at large, to be successful in protecting the natural resources in Florida.

The principles of this agreement include:

- a commitment to institutionalize environmental problem solving as an operational methodology based on an environmental strategy that encourages innovation, prevention of pollution, incentive-based regulatory alternatives, and more coherent cross-media efforts to produce collaborative solutions to environmental problems;
- a commitment to actively search for meaningful environmental measures of progress that demonstrate environmental results and give useful management feedback;
- promotion of continuous improvement in approaches to protecting the environment;
- a commitment to engage stakeholders in the work associated with this agreement;

- continuous commitment to enforce existing environmental regulations;
- the open sharing of information and perspectives;
- a commitment to joint strategic planning that will assist the agencies in identifying problem areas within ecosystems and applying resources toward the most serious of these problems;
- attendance to the special needs of disadvantaged peoples and communities; and
- a recognition that inherent to this agreement is the responsible stewardship of financial, material and human resources of both agencies.

## **II Management Infrastructure**

To sustain EPA and DEP commitments associated with this agreement, an Executive Steering Committee (ESC) and four Quality Management Boards (QMBs) are established upon the effective date of this agreement. The ESC will consist of the EPA Region IV Administrator, the EPA Region IV Deputy Regional Administrator, the DEP Secretary, and the two DEP Deputy Secretaries. The four QMBs will include the Data Requirements QMB, the Performance Measurements QMB, the Projects QMB, and the Resource Expenditures QMB. Each QMB will be co-chaired by EPA and DEP representatives.

Sections III through VI of this agreement include a charge to each QMB. Pursuant to each charge, QMBs will prepare status updates and a report to the ESC pursuant to the following schedule:

### **Schedule**

Effective Date of Agreement	December 6, 1996
First Status Update from all QMBs	January 15, 1997
Report from Projects QMB	March 3, 1997
Second Update from Data Requirements, Performance Measurements, and Resource Expenditures QMBs	March 3, 1997
Third Update from Data Requirements, Performance Measurements, and Resource Expenditures QMBs	April 15, 1997
Report from Data Requirements, Performance Measurements, and Resource Expenditures QMBs	June 2, 1997

To maintain the spirit of this new partnership, a meeting will be held between the EPA and the DEP in the fall of each year. A primary activity at this meeting will be to establish strategic goals and priorities for the coming year and to review progress towards, and continued relevance of, prior established goals. Progress in ecosystem/CBEP areas will also be reviewed and opportunities for improved collaboration, efficiency and strategic accomplishment will be evaluated and direction set as necessary.

### **III. Information Relative to Compliance and Enforcement**

Enforcement is an important tool in achieving compliance with existing environmental statutes. Historically, the number of enforcement actions, the penalties collected and number of facilities inspected have been the core of the compliance and enforcement programs in Florida. This Performance Partnership Agreement seeks to move away from these measures as the sole measure of success of a program and rather move toward measures that more adequately reflect the environmental results we all seek to achieve.

EPA and DEP recognize the unique role that EPA shares with DEP as an environmental steward; in compliance monitoring and enforcement; and in compliance assistance and self-policing. To that end, we seek to accomplish the larger goal and seek to minimize the nonessential activities whenever possible.

**Charge: By June 2, 1997, the Data Requirements QMB is to determine how EPA and DEP will assess compliance and enforcement in Florida.**

The Data Requirements QMB is assigned responsibility to determine the minimum management reporting requirements (measurements) necessary for EPA and DEP to verify proper management of environmental programs in Florida. The final report will contain the minimum data requirements needed for good management and will reflect alternative ways of measuring should it be determined that better approaches can be found than those which presently exist. The Data Requirements QMB will assign tasks to program sub-workgroups.

The output from the Data Requirements QMB will replace the compliance and enforcement MOU for all programs for 1998 (97-98). Thus, there will be no separate Compliance and Enforcement MOU other than this agreement and all EPA grant requirements will be consistent with this workgroup output.

### **IV. Measurements - Environmental Results, Compliance Rates, Enforcement and Other Compliance Activities.**

**Charge: By June 2, 1997 the Performance Measurements QMB is assigned the task of developing methods to report on health and environmental outcomes, compliance rates, and pollutant reductions.**

The Performance Measurements QMB charge builds on the work of the Data Requirements QMB. In reporting environmental outcomes, the Performance Measurements QMB will develop the mechanism for capturing environmental benefits based on enforcement, compliance assistance and self-policing. While environmental and health outcomes are difficult to quantify, this QMB and designated program sub-workgroups that were appointed in the Data Requirements charge should, at a minimum, research methods to quantify ways of reporting environmental and human health outcomes. Compliance rates should be developed for every program where feasible. Where compliance rates are unknown, a schedule and plan should be presented for DEP and EPA to obtain the same. The Performance Measurements QMB should develop methods to ensure the integrity of compliance rates.

#### V. Specific Projects and Selection Criteria

**Charge:** By March 15, 1997, the Projects QMB will develop selection criteria for the joint selection of environmental projects in Florida and will identify environmental issues or problems where a coordinated approach by both agencies would likely produce better environmental results.

In developing the selection criteria, the QMB will review existing EPA and DEP programs to identify areas for improved program integration. Joint projects can then be selected that will further the goals of improved agency integration, protection of human health, implementation of an ecosystem approach to environmental management and the application of an environmental problem solving methodology.

#### VI. Resource Expenditures

As federal EPA programs evolved and were delegated from EPA to the state, each program came with reporting and various paperwork requirements. Over the years, as the number of programs has grown, the administrative reporting requirements have also grown, and in some cases, become duplicative.

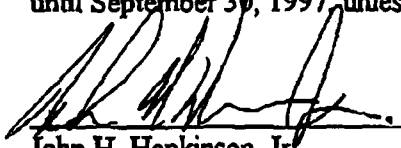
In recognition of the new relationship being forged, the Resource Expenditures QMB has been formed to examine current requirements and practices presently occurring between the agencies in support of delegated programs. There are several areas of interest which need examination, ranging from administrative grant reporting requirements, work plans, memoranda of understanding, and other special documents. The Resource Expenditures QMB will assign tasks to program sub-workgroups to accomplish this task.

**Charge:** By June 2, 1997, the Resource Expenditures QMB will examine all reporting requirements to eliminate redundant or non-productive requirements and develop a new list of mutually acceptable reporting requirements. A final report will be produced which will establish the new working relationship between the DEP and EPA regarding these requirements.

To accomplish this objective, EPA agrees to examine its requirements of the state to determine their necessity. EPA will define the statutory, regulatory, and administrative minimum of information needed to support and provide accountability for their approval of delegated programs. Based on that definition, the QMB will develop a new set of reporting requirements.

DEP agrees to poll all its programs which are federally delegated to determine the extent and number of agreements, administrative reporting requirements, work plans, and any other documents presently required by EPA and develop a comprehensive listing of such documents.

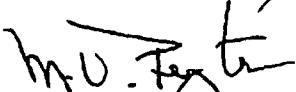
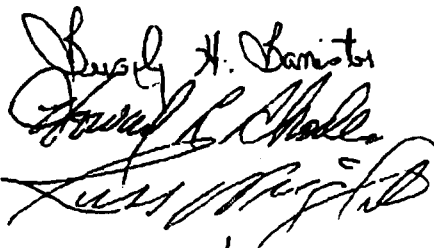
This agreement is hereby entered into this 6th day of December, 1996, and remains in effect until September 30, 1997, unless amended in writing by mutual consent.



John H. Hankinson, Jr.  
Regional Administrator  
U. S. Environmental Protection Agency  
Region IV



Virginia B. Wetherell  
Secretary  
Florida Department of Environmental  
Protection

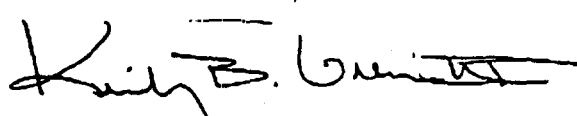
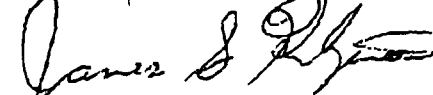


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James S. Odom, Sen. Counsel



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